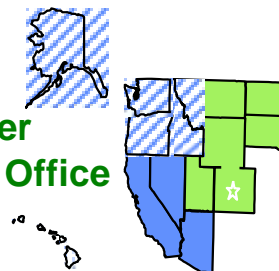




## U.S. Army Environmental Center Western Regional Environmental Office

REGION X - NOVEMBER 1999



# WESTERN REGION REVIEW

This publication provides current information on significant regulatory developments and related information in the Federal Region X area (Alaska, Idaho, Oregon, and Washington) that affect U.S. Army activities and operations. We appreciate your feedback and encourage suggestions for future discussion, or comments. Please contact us at U.S. Army Environmental Center, Western Regional Environmental Office, ATTN: SFIM-AEC-WR, Building 111, Commerce City, CO 80022-2108, commercial (303) 289-0125, DSN: 749-2125, FAX: (303) 289-0272.

### REGIONAL UPDATES/ALERTS AVAILABLE ON THE INTERNET

Current and past issues of the *WESTERN REGION REVIEW* for Regions VIII, IX, and X are available on the Internet at <http://aec-www.apgea.army.mil:8080/prod/usaec/ro/western/updates/wupdates.htm>.

## FEDERAL REGULATORY DEVELOPMENTS

### Clean Air Act (CAA)

#### EPA Website for Air Permitting

An EPA website is available that provides information on the air permitting process including Title V permitting and New Source Review. Among other things, the site currently contains a database of EPA guidance on Title V permitting. The database can be searched online or downloaded in its entirety. The site will eventually allow on-line viewing of permits, engineering reports, and correspondence from regional, state and local air agencies. The web site address is <http://www.epa.gov/oar/oaps/permjmp.html>.

### Emergency Planning and Community Right-to-Know Act (EPCRA)

#### Final Rule for PBTs

On 29 October 1999, EPA published the final rule for Persistent Bioaccumulative Toxic (PBT) reporting under EPCRA TRI (64 FR 209, 29 October 1999, page 58665). The rule is available at EPA's TRI website at <http://www.epa.gov/opptintr/tri/index.htm>. This rule first applies to EPCRA TRI reports due 1 July 2001 for calendar year 2000. It does not apply to reports due 1 July 2000 for calendar year 1999 or to any past TRI reports.

### Toxic Substance Control Act (TSCA):

#### North American Regional Action Plan (NARAP) On Mercury

The U.S. Environmental Protection Agency (EPA) has issued a draft of the NARAP on mercury. The plan establishes a framework for future actions to be taken by the governments of Canada, Mexico and the United States to reduce mercury use and releases to the environment. Potentially affected activities that use mercury-containing items or release mercury into the environment include, but are not limited to: (1) automotive vehicle and equipment manufacturing; (2) the mercury cell chlor-alkali sector; (3) dry cell battery manufacturing; (4) electrical switches and relays sector; (5) lamp manufacturing; (6) health and

dental care sectors; (7) users of mercury for cultural and artisanal uses; and (8) analytical, testing, measurement, and calibration sectors. The notice announcing the availability of the document was published in the 16 September 1999 *Federal Register* (64 FR 50284). For general information contact: Christine Augustyniak, EPA, Office of Pollution Prevention and Toxics, (202) 554-1404, e-mail: [tsca-hotline@epa.gov](mailto:tsca-hotline@epa.gov). For technical information contact: Greg Susanke, EPA, Office of Pollution Prevention and Toxics, (202) 260-3547, e-mail: [susanke.greg@epa.gov](mailto:susanke.greg@epa.gov).

### **Toxicological Profiles**

The Agency for Toxic Substances and Disease Registry (ATSDR) has issued updated and new toxicological profiles for the following priority hazardous substances: (1) aluminum (aluminum chloride, aluminum chlorohydrate, aluminum lactate, aluminum hydroxide, aluminum oxide, aluminum nitrate, aluminum phosphate, aluminum phosphide, aluminum fluoride and aluminum sulfate); (2) cadmium (cadmium carbonate, cadmium chloride, cadmium oxide, cadmium sulfate and cadmium sulfide); (3) chlorophenols (2,3,5,6-tetrachlorophenol, 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, 2-chlorophenol, 4-chlorophenol, 2,3,4,5-tetrachlorophenol and 2,3,4,6-tetrachlorophenol); (4) ethyl benzene; (5) formaldehyde; (6) hexachlorocyclohexane (alpha-, beta-, delta- and gamma-); (7) hexachlorocyclopentadiene; (8) hexane; (9) hydrogen sulfide; and (10) lead. The profiles are available through the U.S. Department of Commerce, National Technical Information Service (NTIS) at 1-800-553-6847. The notice announcing the availability of the profiles was published in the 22 September 1999 *Federal Register* (64 FR 51322). For further information contact: Loretta Norman, ATSDR, (404) 639-6322.

### **Safe Drinking Water Act (SDWA):**

#### **Unregulated Contaminant Monitoring Regulation for Public Water Systems**

The U.S. Environmental Protection Agency (EPA) has revised its Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems (PWSs). This action substantially revises existing regulations for unregulated contaminant monitoring. More specifically, the revisions provide: (1) a list of 36 contaminants to be monitored; (2) procedures for selecting a representative nationwide sample of small PWSs that will be required to monitor; (3) the frequency and schedule for monitoring; (4) sampling points; (5) approved analytical methods to be used; and (6) procedures for entering the monitoring data in the National Drinking Water Contaminant Occurrence Database (NCOD). Although the systems regulated under this rule will monitor for fewer contaminants than was the case under the original UCMR program, the revisions increase the number of data elements that must be reported from 12 to 17. The effective date is 1 January 2001. The final rule was published in the 17 September 1999, *Federal Register* (64 FR 50556). EPA point of contact in the WREO area of responsibility: EPA Region X – Silva Kawbata (907)-271-5083.

### **Clean Water Act (CWA):**

#### **Water Quality Planning and Management**

The U.S. Environmental Protection Agency (EPA) is proposing to revise, clarify and strengthen the agency's National Pollutant Discharge Elimination System (NPDES) program and Water Quality Standard (WQS) regulations governing discharges into waterbodies that are not attaining water quality standards. More specifically, the rulemaking would: (1) describe the agency's discretionary authority; (2) reissue state-issued expired and administratively-continued permits in the absence of an EPA approved or established TMDL; (3) require the offset of any increase in mass loadings in an amount that would result in reasonable further progress toward attainment of water quality standards; (4) reissue state-issued expired and administratively-continued permits for impaired waterbodies with established and approved TMDLs; and (5) designate certain currently unregulated sources as sources that would require an NPDES permit. The proposal applies to impaired waterbodies prior to the establishment of a TMDL. The proposal also complements a separately proposed rule (64 FR 46012) which would revise the agency's TMDL regulations for impaired waterbodies after the establishment of a TMDL. The proposed rule was published in the 23 August 1999 *Federal Register* (64 FR 46058). For information concerning NPDES provisions

contact: Kim Kramer, EPA, Office of Wastewater Management, (202) 260-9541, e-mail: [kramer.kim@epa.gov](mailto:kramer.kim@epa.gov). For information regarding water quality standards contact: Susan Gilbertson, EPA, Office of Science and Technology, (202) 260-7301, e-mail: [gilbertson.sue@epa.gov](mailto:gilbertson.sue@epa.gov).

### General Pretreatment Regulations

The U.S. Environmental Protection Agency (EPA) has extended the comment period of a proposed rule (64 FR 39564) that would revise several provisions of the General Pretreatment Regulations for Existing and New Sources of Pollution from 20 September to 19 November 1999. See the September 1999 edition of this publication for a summary of the *Register* (64 FR 47755). For further information contact: Jeffrey Smith, EPA, Office of Wastewater Management, (202) 260-5586.

### Consumer Confidence Reports

On 19 August 1998 the U.S. Environmental Protection Agency (EPA) published a final rule (63 FR 44511) establishing requirements for annual drinking water quality reports that water suppliers must provide to their customers. Appendix B to subpart O of that rule lists "leaching from PVC pipes" as a major source of tetrachloroethylene in drinking water. Leaching from PVC pipes is not a source of tetrachloroethylene in drinking water. On 14 September 1999 the EPA published a notice (64 FR 49671) correcting the final rule so that the Appendix lists only "discharge from factories and dry cleaners" as a major source of tetrachloroethylene in drinking water supplies. For further information contact: Rob Allison, EPA, (202) 260-9836, e-mail: [allison.rob@epa.gov](mailto:allison.rob@epa.gov).

### Miscellaneous:

#### FY 2000 Department of Defense Appropriations Act

The FY 2000 Department of Defense Appropriations Act contains a provision that prevents DoD and military departments from paying a fine or penalty that is imposed because of an environmental violation unless the payment has been specifically authorized by law. The relevant provision of the Act reads as follows: ***SEC. 8149. None of the funds appropriated in this Act may be used for the payment of a fine or penalty that is imposed against the Department of Defense or a military department arising from an environmental violation at a military installation or facility unless the payment of the fine or penalty has been specifically authorized by law. For purposes of this section, expenditure of funds to carry out a supplemental environmental project that is required to be carried out as part of such a penalty shall be considered to be a payment of the penalty.*** This provision does NOT exempt DoD from paying any fines. Instead, it prevents payment of fines from FY 2000 appropriated funds until Congress specifically authorizes payment. Any DoD request to pay a fine will become part of a DoD budget request submitted to Congress after first being reviewed within the Administration. For more information, contact Diane M. Connolly, Regional Counsel, (303) 289-0459.

#### Lead Based Paint Hazards in Federally Owned Residential Property

The Department of Housing And Urban Development (HUD) has finalized a rule implementing sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992). The purpose of the rule is to ensure that housing receiving federal assistance and federally owned housing, that is to be sold, does not pose lead-based paint hazards to young children. The final rule is a "major rule" as defined in the Congressional Review Act. The rule: (1) establishes new requirements for lead-based paint hazard notification, evaluation and reduction; (2) updates the existing regulations, giving importance to procedures that identify and remove dust-lead hazards as well as chipping, peeling or flaking lead-based paint; (3) offers a consolidated, uniform approach to addressing lead-based paint hazards; (4) eases the burden on HUD clients in locating and understanding applicable requirements; and (5) helps ensure that lead hazards are identified and safely reduced. Title 24 Section 35.140 of the CFR concerning the inspection and treatment of defective paint surfaces is effective 15 November 1999. All other provisions of the rule become effective 15 September

2000. The final rule was published in the 15 September 1999 *Federal Register* (64 FR 50140). For further information contact: HUD, (202) 755-1785 ext. 104, e-mail: [lead-regulations@hud.gov](mailto:lead-regulations@hud.gov).

## CONFERENCES AND SYMPOSIUMS

- **Ideas and Approaches to Green Building.** One of the newest topics in environmental protection is sustainable building design. In this first of an anticipated series of broadcasts on sustainable design, EPA will review some basic principles and concepts of green building design and construction. Broadcast dates are 22 and 23 November 1999, from 1300-1500 hours, EST. For more information about the broadcast and downlink sites, visit EPA's website at <http://www.epa.gov/oar/oaqps/eog/>. The course number is T-025-99.
- **Tri-Service Environmental Technology Workshop Proceedings.** The AEC has posted the proceedings from the 1998 Tri-Service Environmental Technology Workshop on the Internet at: <http://aec.army.mil/prod/usaec/et/etw/proceedings.htm>. The workshop agenda, a list of attendees, and manuscripts can also be found on the web site. For further information e-mail Darlene Bader, AEC, at: [darlene.bader@aec.apgea.army.mil](mailto:darlene.bader@aec.apgea.army.mil).
- **Joint Service P2/Hazardous Waste Management (HWM) Conference & Exhibition – San Antonio, TX.** The Fourth Annual Joint Services P2 Conference and Exhibition, "Environmental Stewardship for the Next Millennium," will be held **6-9 December 1999** in San Antonio, Texas. For further information visit the Internet at: <http://www.ndia.org/events/brochure/040/040.htm>.
- **Water Reuse 2000 – San Antonio, TX.** The U.S. Environmental Protection Agency (EPA) is cosponsoring Water Reuse 2000, on **30 January-2 February 2000**, in San Antonio, Texas. Abstracts are being solicited to cover all aspects of water reuse, including: (1) agricultural reuse applications; (2) dual distribution system design and operation; (3) cross-connection control; (4) disinfection; (5) public outreach and education; (6) environmental enhancement through reuse; (7) health effects and risk assessment; (8) industrial reuse applications; (9) indirect potable reuse; (10) urban irrigation applications; (11) golf courses and parks; (12) regional program planning; (13) project economics, pricing, and financing, rate setting and capital funding; (14) regulatory and institutional issues; (15) research projects; (16) reclaimed water treatment technologies; (17) innovative urban reuse applications; (18) toilets, car washes and graywater systems; and (19) water quality issues. For further information contact: Lynda Pumphrey, (303) 347-6203, e-mail: [lpumphre@awwa.org](mailto:lpumphre@awwa.org). Information also can be obtained from the Internet at <http://www.awwa.org/00reuse/call/overview.htm>.
- **Pollution Prevention Operations and Management – Satellite Broadcast Course.** The Air Force Institute of Technology (AFIT), Civil Engineer and Services School, is offering a 5-day Pollution Prevention Program Operations and Management course (course number ENV 022) **27-31 March and 17-21 July 2000**. The course emphasizes pollution prevention concepts such as source reduction of hazardous and toxic chemicals, solvent substitutions, reuses and recycling, process changes, and environmental awareness. The course also introduces management techniques that can be used to implement a sound pollution prevention program, including ways to: (a) establish and run the program, (b) conduct pollution prevention opportunity assessments, (c) implement process changes to incorporate pollution prevention, (d) assess pollution prevention program success, and (e) establish awareness training. For further information contact: AFIT/CEA, (937) 255-2156, DSN 786-2156. Additional information concerning this course and other courses offered by the AFIT Civil Engineer and Services School can be found on the Internet at: <http://cess.afit.af.mil/>. The course is offered through satellite broadcast only. Registration closes 40 days before broadcast.
- **Real World Air Conference and Exhibition – Atlanta, GA.** The U.S. Army Forces Command (FORSCOM) and the U.S. Army Center for Health Promotion and Preventive Medicine (CHPPM) are partnering to conduct the second Real World Air Conference. The conference is intended to address current air pollution issues affecting federal facilities. The conference will be held **15-18 May 2000** in

Atlanta, Georgia. For further information contact: Sherri Hutchens, (410) 436-8149, e-mail: [sheri.hutchens@apg.amedd.army.mil](mailto:sheri.hutchens@apg.amedd.army.mil) or Rochelle Williams, (404) 464-7695, e-mail: [williaro@forscom.army.mil](mailto:williaro@forscom.army.mil). Additional information can also be found on the Internet at: <http://chppm-www.apgea.army.mil/air/airconf/conf.htm>.

## ALASKA

### ***Legislative Developments***

The Governor of Alaska issued a proclamation calling the Legislature back into special session beginning 20 May 2000 to consider legislation drawing funds from the Constitutional Budget Reserve to fund the shortfall in the budget approved before the Legislature adjourned. The Governor also wanted the Legislature to adopt a long-range fiscal plan for the state or establish a task force to develop one. The session adjourned 25 May 2000 after legislators approved a resolution calling for a public advisory vote on a proposed long-range fiscal plan for the state as well as the ballot language for the election on September 14. Voters overwhelming defeated the proposal by a margin of nearly four to one. The Governor expressed his disappointment and stated that the burden will lie with legislators to find a solution to the state's fiscal crisis. Legislators returned for a second special session on 27 September 1999 to deal with a subsistence amendment. The measure is intended to prevent a federal takeover of subsistence fishing across much of the state, which took effect 1 October 1999. The session adjourned on 30 September 1999 with legislators failing to agree on a constitutional amendment regarding the subsistence issue. This now paves the way for the federal takeover of subsistence fisheries management on the two-thirds of the state owned by the U.S. government.

### ***Regulatory Developments***

No significant regulatory developments were noted for the State of Alaska during the reporting period.

## IDAHO

### ***Regulatory Developments***

#### **Water Quality:**

**Proposed Policy: Groundwater.** The Idaho Division of Environmental Quality is proposing a Ground Water Quality Management Policy. The policy is intended to address ground water quality degradation by describing a process to: 1) identify areas of ground water quality degradation; 2) prioritize these areas based on extent of the problem; 3) involve and inform local citizens and agencies; 4) establish sensitive resource aquifers; 5) work with local advisory groups to identify and implement solutions; 5) review effectiveness of solutions; and 6) modify existing programs to enhance ground water protection. The Division is accepting comments and suggestions on the draft policy until 20 NOV 99.

**OREGON*****Regulatory Developments*****Air Quality:**

- **Fee Increase Adoption: Title V Operating Permits.** The Oregon Department of Environmental Quality has adopted an annual Title V Operating Permit fee increase. The Base fee will increase from \$2,777/year to \$2,822/year, and the annual fee paid per ton of pollution will increase from \$32.50 to \$32.90. The Annual Compliance Assurance fee for minor sources will increase from \$1,110 to \$1,129. The Synthetic Minor Application Processing fee will go from \$2,111 to \$2,144. There will also be increases in permit modification fees. The proposal has been adopted and is currently effective.

**Water Quality:**

- **Proposed Rule: Wastewater.** The Oregon Department of Environmental Quality is proposing a rule regarding the criteria to be used when reviewing and authorizing the use of innovative technologies and materials within on-site sewage treatment and disposal systems. The proposal would establish written performance-based and prescriptive criteria to be used by the Technical Review Committee and Department staff when reviewing and evaluating new or innovative technologies and materials. Specific criteria for evaluating materials designed to be used in lieu of drain media are included. Also a study method for comparing the field performance of the new technologies to Oregon conditions and established prescriptive-based requirements is being proposed.
- **Proposed Fee Increase: Wastewater.** The Oregon Department of Environmental Quality is proposing to increase many of the On-site Sewage Treatment and Disposal Program application fees established by the Department. The fees have been revised to account for inflation and to reflect the true cost of the review process.

**WASHINGTON*****Regulatory Developments*****Miscellaneous:**

**Forest Conservation: Endangered Species.** The Washington Forest Practices Board is proposing revisions to its forest practices rules in order to protect endangered salmonids and water quality limited waters. The new rules include water typing, riparian protection, forest roads and wetlands, SEPA guidance, Class IV-Special, slope stability, forest chemicals, enforcement, adaptive management, and watershed analysis. The proposed revisions are already in effect as an emergency rule. A public hearing will be held 9 November 1999 and written comments will be accepted until 10 November 1999.